

**FILED**  
JUN 12 2008  
  
John [Signature]  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

## **BRITTANY ANN PLAMP,**

CTV. 07-4009

**Plaintiff,**

-VS-

## MITCHELL SCHOOL DISTRICT NO. 17-2,

**ORDER ON PLAMP'S MOTIONS IN LIMINE  
(DOCS. 194, 197 & 202)**

**Defendant/Third-Party Plaintiff,**

-VS-

ANDREW TATE,

## Third-Party Defendant.

Plaintiff, Brittany Ann Plamp, by and through her attorneys of record, respectfully moves this Court for an Order prohibiting Defendants or their counsel or witnesses from making comments or arguments as to any effect the jury's verdict may have on the taxpayers. Any such argument is plainly improper and prejudicial and would constitute reversible error (Doc. 194).

## **GRANTED.**

Plaintiff Brittany Ann Plamp, by and through her counsel of record, respectfully moves this Court for an Order, prohibiting Mitchell School District's attorney, witness Susan Strauss, or any other witness from making any reference, directly or indirectly, at any stage of the trial, or offering into evidence any documents, in regard to Susan Strauss's expert report, specifically any section of her report where Strauss states her legal opinions and conclusions. Any testimony or mention of Susan Strauss's legal opinions is not proper testimony of an expert, invades the province of the Court to determine the law of the case and the province of the jury as fact-finder and is not permitted by the law (Doc. 197).

**GRANTED. THE REPORT REFLECTS THE OPINIONS ARE CONCLUSIONS OF  
LAW ABOUT WHICH THE COURT WILL INSTRUCT THE JURY.**

COMES NOW Plaintiff Brittany Ann Plamp, by and through her counsel of record, and respectfully requests this Court to grant her Motion in Limine to Exclude Mitchell School District's Rule 26(A)(1) Initial Disclosure Statement (8<sup>th</sup> Supplemental) as the disclosures are unseasonable under Federal Rules of Civil Procedure 26(e) and should be excluded pursuant to Rule 37(c). This Motion is supported by the Brief in Support of Motion in Limine to Exclude Mitchell School District's Rule 26(A)(1) Initial Disclosure Statement (8<sup>th</sup> Supplemental), and the Affidavit of Ryland Deinert, filed concurrently herewith (Doc. 202).

**GRANTED. THE DISCLOSURES WERE MADE OUTSIDE OF THE DEADLINES FOR MAKING THE DISCLOSURES. THE PROPOSED EVIDENCE IS NOT RELEVANT.**

Comes now the Plaintiff, Brittany Plamp, and moves the Court for an order pursuant to SDCL 21-1-4.1 for permission to submit a claim for punitive damages to the jury in the above matter (Doc. 189).

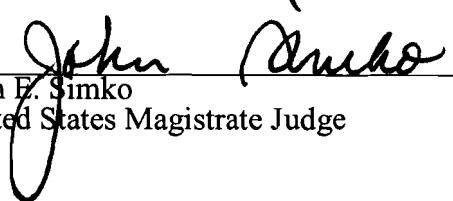
**DENIED WITHOUT PREJUDICE TO RENEW THE MOTION AT THE CLOSE OF PLAINTIFF'S CASE IN CHIEF.**

**CONCLUSION**

Docs. 194, 197 & 202 are **GRANTED**. Doc. 189 is **DENIED**, without prejudice.

Dated this 12 day of June, 2008.

BY THE COURT:

  
John E. Simko  
United States Magistrate Judge